

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Transport Department

Notification

5/28/88-TPT(Part I)

In exercise of the powers conferred by sub-section (1) of section 200 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) (hereinafter referred to as

the 'said Act'), and in supersession of all earlier Notifications in this regard, the Government of Goa hereby specifies the officers of the Police Department not below the rank of Sub-Inspector of Police and the Officers of the Transport Department not below the rank of Motor Vehicles Inspector as the officers to compound the offences punishable under the sections of the said Act mentioned in columns (2) and (3) of the Schedule below for the amounts specified in the corresponding entries in column (4), or column (5), or column (6), as the case may be, of the said Schedule.

SCHEDULE

| Sr. No. | Section of the Motor Vehicles Act, 1988 under which the offence is punishable | Description of Sections | Amount of Composition fee (in Rupees) | | |
|---------|---|--|---|---|---|
| | | | H.M.Vs. public & private carriers, stage carriages & contract carriages | Taxi cabs, Autorickshaws & M/buses plying as stage carriage & M/cycle taxis | Private motor-cycles, motor cars, tractors & trailers |
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1) | 177 (First offence) | General provision for punishment of offences (where no other penalties are provided for the offences) | 100.00 | 100.00 | 100.00 |
| 2) | 177 (second offence) | — do — | 200.00 | 150.00 | 150.00 |
| 3) | 178(1) | Ticketless travel etc. | 100.00 | 50.00 | — |
| 4) | 178(2) for first offence | No issuing tickets | 250.00 | 150.00 | — |
| 5) | 178(3) | Refusal to ply contract carriage | 100.00 | 50.00 | — |
| 6) | 179(1) | Disobedience of orders, obstruction & refusal of information | 250.00 | 150.00 | 100.00 |
| 7) | 179(2) | Giving false information | 350.00 | 250.00 | 150.00 |
| 8) | 180 | Allowing unauthorised persons to drive vehicles | 800.00 | 700.00 | 500.00 |
| 9) | 181 | Driving in contravention of section 3 or 4 (driving without licence & driving vehicle without authorisation) | 500.00 | 500.00 | 450.00 |
| 10) | 182(1) | Driving or obtaining licence when disqualified for holding or obtaining a licence under the Act | 400.00 | 350.00 | 300.00 |
| 11) | 182(2) | Acting as conductor without licence and obtaining a conductor's licence, being disqualified under the Act | 100.00 | — | — |
| 12) | 183(1) First offence | Driving at a speed exceeding the maximum speed fixed for the vehicle | 400.00 | 400.00 | 300.00 |
| 13) | 183(1) second offence | — do — | 800.00 | 800.00 | 700.00 |
| 14) | 183(2) first offence | Causing or allowing a person to drive at excessive speed | 300.00 | 250.00 | 200.00 |
| 15) | 183(2) second offence | — do — | 500.00 | 500.00 | 300.00 |
| 16) | 184 first offence | Driving recklessly or dangerously | 800.00 | 700.00 | 600.00 |
| 17) | 184 second offence | — do — | 1000.00 | 800.00 | 700.00 |
| 18) | 186 first offence | Driving when mentally or physically unfit to drive | 200.00 | 200.00 | 200.00 |
| 19) | 186 second offence | — do — | 300.00 | 300.00 | 300.00 |

| (1) | (2) | (3) | (4) | (5) | (6) |
|-----|-----------------------|---|---------|---------|--------|
| 20) | 189 | Racing and trial of speed (without written consent of the State Government) | 400.00 | 400.00 | 300.00 |
| 21) | 191 first offence | Sale of vehicles in or alteration of vehicle to condition contravening the Act. | 350.00 | 200.00 | 150.00 |
| 22) | 192(1) first offence | Using vehicle without registration or permit | 1200.00 | 900.00 | 700.00 |
| 23) | 192(2) second offence | — do — | 1500.00 | 1000.00 | 750.00 |
| 24) | 194 first offence | Driving vehicle exceeding permissible weight | 1200.00 | 950.00 | — |
| 25) | 194 second offence | — do — | 1500.00 | 1000.00 | — |
| 26) | 196 first offence | Driving uninsured vehicle | 800.00 | 600.00 | 400.00 |
| 27) | 198 First offence | Unauthorised interference with vehicle | 100.00 | 100.00 | 100.00 |

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Transport).

Panaji, 13th April, 1994.

Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA(Part)

The Essential Commodities (Special Provisions) Amendment Act, 1993 (Central Act 34 of 1993) which has been passed by Parliament and assented to by the President of India on 3.4.1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 3.4.1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd November, 1993.

THE ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) AMENDMENT ACT, 1993

AN
 ACT

further to amend the Essential Commodities (Special Provisions) Act, 1981 and to make special provisions by way of amendment to the Essential Commodities Act, 1955.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Essential Commodities (Special Provisions) Amendment Act, 1993.

(2) It shall be deemed to have come into force on the 27th day of August, 1992.

2. *Amendment of preamble.*— In paragraph 2 of the preamble to the Essential Commodities (Special Provisions) Act, 1981 (hereinafter referred to as the principal Act), for the words “ten years”, the words “fifteen years” shall be substituted. 18 of 1981.

3. *Amendment of section 1.*— In section 1 of the principal Act, in sub-section (3), for the words “ten years”, the words “fifteen years” shall be substituted.

4. *Insertion of new section 9A.*— After section 9 of the principal Act, the following section shall be inserted, namely:—

“9A. *Insertion of new section 10AA.*— In the Essential Commodities Act, 1955, 10 of 1955, after section 10A, the following section shall be inserted, namely:—

“10AA. *Power to arrest.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no officer below the rank of an officer in charge of a police station or any police officer authorised by him in this behalf in writing, shall arrest any person accused of committing an offence punishable under this Act.” 2 of 1974.

5. *Repeal and saving* — (1) The Essential Commodities (Special Provisions) Amendment Ordinance, 1993 is hereby repealed. Ord. 1 of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

10-2-92/LA/(Part)

The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1993 (Central Act 48 of 1993) which has been passed by Parliament and assented to by the President of India on 9-6-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9-6-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 9th November, 1993.

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 1993

AN
 ACT

further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1993.

2. *Amendment of section 3.*—In section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954³⁰ of 1954. (hereinafter referred to as the principal Act),—

(i) for the words “one hundred and fifty-rupees”, the words “two hundred rupees” shall be substituted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that no member shall be entitled to the aforesaid allowance unless he signs the register, maintained for this purpose by the Secretariat of the House of the People or, as the case may be, Council of States, on all the days (except intervening holidays for which no such signing is required) of the session of the House for which the allowance is claimed”.

3. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (1), in clause (c), in sub-clause (ii),—

(a) for the portion beginning with the words “one rupee and thirty paise”, and ending with the words “in respect of road journeys”, the following shall be substituted, namely:—

“five rupees per kilometre”;

(b) after the existing proviso and before the *Explanation*, the following proviso shall be inserted, namely:—

“Provided further that where a member performs journey by road in Delhi from and to an aerodrome, he shall be paid a minimum amount of one hundred and twenty rupees for each such journey.”

4. *Amendment of section 8A.*—In section 8A of the principal Act,—

(a) in sub-section (1),—

(i) for the portion beginning with the words “With effect from the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976”, and ending with the words “whether continuous or not”, the following shall be substituted, namely:—

“With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1993, there shall be paid a pension of one thousand and four hundred rupees per mensem to every person who has served for a period of four years, whether continuous or not”;

(ii) for the existing provisos, the following provisos shall be substituted, namely:—

“Provided that where any person has served as aforesaid for a period exceeding five

years, there shall be paid to him an additional pension of two hundred and fifty rupees per mensem for every year in excess of five years:

Provided further that where any person has served as a Member of the House of the People twice for its duration as provided in clause (2) of article 83 of the Constitution, whether consecutively or not, and who is not entitled to any pension under the foregoing provisions of this sub-section, he shall with effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1993, be entitled to a pension of one thousand and four hundred rupees per mensem:

Provided also that every person, who has served for any period as a member of the Provisional Parliament and who is not entitled to any pension under the foregoing provisions of this sub-section, shall with effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1993, be entitled to a pension of one thousand and four hundred rupees per mensem.”;

(b) for sub-section (3) the following sub-section shall be substituted, namely:—

“(3) Where any person entitled to pension under sub-section (1) is also entitled to any other pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension”.

Notification

10-2-92/LA(Part)

The Coal Mines (Nationalisation) Amendment Act, 1993 (Central Act 47 of 1993) which has been passed by Parliament and assented to by the President of India on 9/6/1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9.6.1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 9th November, 1993.

THE COAL MINES (NATIONALISATION) AMENDMENT ACT, 1993

AN

ACT

further to amend the Coal Mines (Nationalisation) Act, 1973.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Coal Mines (Nationalisation) Amendment Act, 1993.

2. *Amendment of section 3 of Act 26 of 1973.*— In the Coal Mines (Nationalisation) Act, 1973, in section 3, in sub-section (3), in clause (a), for item (iii), the following shall be substituted, namely:—

(iii) a company engaged in—

- (1) the production of iron and steel,
- (2) generation of power,
- (3) washing of coal obtained from a mine, or
- (4) such other end use as the Central Government may, by notification, specify.”

Notification

7-5-94/LA

The Goa Public Health (Third Amendment) Act, 1993 (Goa Act 7 of 1994) which has been passed by the Legislative Assembly of Goa on 25-11-1993 and assented to by the Governor of Goa, on 17-4-1994, is hereby published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 22nd April, 1994.

THE GOA PUBLIC HEALTH (THIRD AMENDMENT) ACT, 1993

(Goa Act No. 7 of 1994) [17-4-1994]

AN

ACT

further to amend the Goa, Daman and Diu Public Health Act, 1985.

Be it enacted by the Legislative Assembly of Goa in the Forty-Fourth year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Third Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of Section 22.*— For Section 22 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “Principal Act”), the following shall be substituted, namely:—

“22. Building not to be occupied without adequate water supply and proper water storage facility. — (1) No owner of any building having more than one independent residential unit, which may be constructed or re-constructed after the commencement of the Third Amendment Act, 1993 shall occupy it, or cause or permit it to be occupied until he has obtained a certificate from the Health Officer,—

(i) that there is within such building or within reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purpose of the intimates of such building, and

(ii) if such building has a sump or overhead tank, that they are provided with such mosquito proof arrangement as may be prescribed.

(2) The Health Officer may also by notice in writing, direct the owner or occupier of any existing building having a sump or overhead tank to provide such mosquito proof arrangement and within such time as may be specified by the Health Officer.

(3) Whenever a person on whom notice is served under sub-Section (2), fails to comply with the requirements thereof, the Health Officer, may himself or through the local bodies get the requisite work done and recover the cost thereof from the owner as arrears of land revenue under the law for the time being in force.”

3. *Amendment of Section 53.*— In Sub-Section (1) of section 53 of the Principal Act, the proviso to clause (xv) shall be omitted.

4. *Amendment of Section 76.*— In Section 76 of the Principal Act,—

(i) in sub-section (1), after clause (b), the following shall be inserted, namely:—

“(c) leave wells in any Municipal area permanently disused without hermetically sealing or closing them with mosquito-proof arrangements as specified by the Health Officer;”

(ii) after sub-section (2), the following shall be inserted, namely:—

“(3) If any person contravenes the provisions of sub-section (1), the Health Officer may issue to him a notice requiring him to comply with the requirements thereof within specified time limit.

(4) Whenever any person on whom notice is served under sub-section (3), fails to comply with the requirements thereof, the Health Officer may himself or through local bodies get the requisite work done and recover the cost thereof from the owner as arrears of land revenue under the law for the time being in force.”

5. *Insertion of new section.*— After section 76 of the Principal Act, the following shall be inserted, namely:—

“76A. *Builder to take anti-larval measures.*—

(1) Notwithstanding any law for the time being in force, it shall be the duty of every builder where construction activities are being carried on, to take adequate anti-larval measures at the construction site in consultation with the concerned Health Officer.

(2) The Health Officer shall have subject to the control of the Government, power to issue notice to the concerned builder for compliance of the provisions of sub-section (1) within the period as specified thereunder.

(3) Whenever the builder on whom notice is served under sub-section (2), fails to comply with the requirements within reasonable period as specified thereunder, the Health Officer shall take all required

anti-larval measures as may be necessary at the construction site, and recover all expenses incurred thereunder at the rate prescribed under section 76B from the builder as arrears of land revenue under the law for the time being in force.

76B. *Levy of fee.* — The fee to be levied for anti-larval measures at construction site shall be at such rates as may be prescribed but not exceeding rupees one hundred”.

Secretariat Annex, B. S. SUBBANNA,
Panaji, Secretary to the Government of Goa,
Dated: 22-4-1994. Law Department (Legal Affairs)

◆◆◆
LEGISLATURE SECRETARIAT

Notification

7/6/94/LA

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1993 (Goa Act 8 of 1994) which has been passed by the Legislative Assembly of Goa on 25-11-1993 and assented to by the Governor of Goa on 20-4-1994, is hereby published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th April, 1994.

THE GOA BUILDINGS (LEASE, RENT AND EVICTION) CONTROL
(AMENDMENT) ACT, 1993

(Goa Act No. 8 of 1994) [20-4-1994]

AN

ACT

further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of Section 3.* — In sub-section (1) of Section 3 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the “principal Act”), —

(i) in clause (c), for the word “four” the word “fifteen” shall be substituted.

(ii) after clause (c), the following clause shall be inserted, namely: —

“(cc) to any building, whose monthly rent exceeds —

(a) rupees two thousand and five hundred if such building is used for residential purposes;

(b) rupees five thousand if such building, is used for commercial purposes”.

3. *Amendment of Section 12.* — In clause (a) of sub-section (2) of section 12 of the principal Act, for the words “seven and a half per cent”, the words “twelve per cent” shall be substituted.

4. *Amendment of Section 13.* — In the proviso to sub-section (1) of Section 13 of the principal Act, for the words “seven and a half per cent” the words “twelve per cent” shall be substituted.

5. *Amendment of Section 23 A.* — For sub-section (3) of Section 23 A of the principal Act, the following sub-section shall be substituted, namely: —

“(3) Notwithstanding anything contained in this Act, — (a) A landlord, who is a member of the armed forces of the Union or who is an employee of the Central or the State Government or Railways or any Public Sector Undertaking of the Central or the State Government whose employees are subject to transfers from their original place of posting or who was such member or employee as the case may be, and is duly retired (which term shall include premature retirement), shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such ground if the landlord at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department or Head of the Public Sector Undertaking, as the case may be, to the effect that —

(i) he is presently a member of the armed forces of the Union or employee of the Central or the State Government or Railways or the Public Sector Undertaking of the Central or the State Government or he was such member or employee as the case may be and is now retired ex-serviceman or employee as the case may be; and

(ii) he does not possess any other suitable residence in the local area where he or members of his family can reside:

Provided that in the case of an ex-serviceman or an ex-employee referred to in sub-clause (i) above, an affidavit sworn before the competent authority to the effect as envisaged in sub-clause (ii) shall be sufficient;

(b) Where a member of the armed forces of the Union or employee of the Central or the State Government or Railways or any Public Sector Undertaking of the Central or the State Government whose employees are subject to transfers from their original posting place, as the case may be, dies while in service or such member is duly retired and dies within five years of his retirement, his widow who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground

that the premises are bonafide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit produces a certificate signed by the Area or sub-Area Commander within whose jurisdiction the premises are situated or by the Head of Department or Head of the Public Sector Undertaking whereof, her deceased husband was employee to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central or the State Government or Railways or any Public Sector Undertaking of the Central or the State Government, as the case may be; and

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside:

Provided that the landlord or his widow, as the case may be, shall be entitled to recover only one of the premises chosen by him or her, under this section, in case more than one premises have been let out by him or her.

Explanation 1.—For the purposes of this sub-section, —

(i) "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the Police force constituted under the Police Act as applicable to the State of Goa;

(ii) any certificate granted by the concerned authority thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2.—For the purpose of clause (a) of this sub-section, the expression "the Head of his Services" in the case of officers retired from the Indian Navy includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force, includes the Station Commander.

Secretariat Annexe,
Panaji,
Dated: 26-4-1994.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs)